



## COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

# MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

The Capitol Center  
303 East 17th Avenue, 7th Floor Conference Room

April 10, 2015

## 1. Call to Order

President Stahl called the meeting to order at 9:00 a.m.

## 2. Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with eight members participating, two members excused, and one vacant position. Ms. Blakely and Dr. Young participated by telephone conference call.

### A. Members Present

Christy Blakely, Patricia Givens, Bregitta Hughes, Paul Melinkovich; Ginny Riley, Donna Roberts, Mike Stahl, and Mary Trujillo-Young.

### B. Members Excused

Brenda LaCombe and Amanda Moorer

### C. Staff Present

Gretchen Hammer, Deputy Executive Director/Director, Health Programs Office; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

## 3. Announcements

Mr. Stahl announced the next Medical Services Board Meeting will be held in the 7th floor conference room at 303 East 17th Avenue in Denver on Friday, May 8th at 9:00 a.m.

It is the policy of this Board and the Department to remind everyone in attendance that this facility is private property. The capacity of the meeting room is 80. Please do not block the doors or stand around the edges of the room. Please turn cell



phones off while in the meeting room as they interfere with the recording equipment.

#### **4. Approval of Minutes**

Dr. Melinkovich moved for the approval of the March minutes. The motion was seconded by Ms. Blakely. There were no comments and the minutes were approved as submitted, 7:0

- Legislative Update – Zach Lynkiewicz, Legislative Liaison

Ms. Roberts arrived at the meeting during the Legislative Update.

#### **5. Rules**

##### **A. FINAL PERMANENT ADOPTION by CONSENT AGENDA**

- 1) Document 01 MSB 15-02-11-A

Revision to the Health Programs Office Benefits and Operations Division Ambulatory Surgery Center (ASC) Rule Concerning a Technical Correction to the Amount, Scope and Duration of Services, Section 8.570

Dr. Givens moved for the final permanent adoption by consent of Document 01. The motion was seconded by Ms. Roberts.

The Board voted for the final permanent adoption by consent of Document 01, 8:0.

##### **B. FINAL PERMANENT ADOPTION AGENDA**

- 1) Document 02 MSB 14-02-12-A

Revision to Medical Assistance Long Term Services and Supports Rule Concerning Community Transition Services (CTS), Section 8.553.1

Ms. Riley moved for the final permanent adoption of Document 01. The motion was seconded by Ms. Roberts. Nora Brahe, Long Term Services and Supports Community Options Grants Unit, presented the proposed rule and explained that the only changes made to the rule after initial presentation addressed stakeholder concerns that some of the wording in the Statement of Basis and Purpose was somewhat confusing.

##### Board Discussion

Board discussion and questions included: that funds are available for the purchase of a cell phone but not for the monthly service charges; that the intent of the CTS program is to provide assistance in setting up a household; that the program does not allow for the payment of ongoing expenses; that



payment for a personal response system is a benefit of Medicaid rather than the CTS household set up; and that this is meant to be funds for transitional services to assist clients to set up a household and that long term expenses come from a separate funding.

#### Public Testimony

There was no public testimony on Document 02.

The Board voted for the emergency adoption of Document 02, 8:0.

#### 2) Document 03 MSB 15-02-06-A

Revision to the Medical Assistance Eligibility Rules Concerning Parents and Caretaker Relatives, Section 8.100.4.G.3

Ms. Roberts moved for the final permanent adoption of Document 03. The motion was seconded by Ms. Hughes. Ana Bordallo and Marivel Guadarrama, Health Information Eligibility Policy Section, presented the proposed rule and explained that it modifies current policy for MAGI Parent/Caretaker Relatives income eligibility standards from 100% of the Federal Poverty Level (FPL) to the MAGI equivalent of 60% of FPL.

#### Board Discussion

There was no board discussion on Document 01.

#### Public Testimony

There was no public testimony on Document 01.

The Board voted for the final permanent adoption of Document 03, 8:0.

### **C. INITIAL APPROVAL AGENDA**

#### 1) Document 04 MSB 15-02-23-A

Revision to the Medical Assistance Eligibility Rules Concerning Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), sections 8.100.1 and 8.100.4.G.2

Dr. Melinkovich moved for the initial approval of Document 04. The motion was seconded by Ms. Roberts. Ana Bordallo and Marivel Guadarrama, Health Information Eligibility Policy Section, presented the proposed rule and explained that it removes the five year waiting period for all lawfully residing children, pregnant women and those who are determined presumptively eligible for Medicaid. An "R" page<sup>1</sup> was submitted to include the rule text for Presumptive Eligibility.

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<sup>1</sup> "R" pages are pages of the rule that contain revisions submitted to the Board for approval after the rule has been published or otherwise made available to the public.



Dr. Melinkovich moved for the inclusion of the “R” page. The motion was seconded by Ms. Riley and approved, 8:0.

#### Board Discussion

There was no board discussion on Document 04.

#### Public Testimony

There was no public testimony on Document 04.

The Board voted for the initial approval of Document 04, 8:0.

### 2) Document 05 MSB 15-02-23-B

Revision to the Child Health Plan *Plus* Rule Concerning Section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Section 110

Ms. Hughes moved for the initial approval of Document 05. The motion was seconded by Ms. Roberts. Ana Bordallo and Marivel Guadarrama, Health Information Eligibility Policy Section, presented the proposed rule and explained that it also removes the five year waiting period for all lawfully residing children, pregnant women, and those who are determined presumptively eligible for the CHP+ program. An “R” page<sup>2</sup> was submitted to include the rule text for Presumptive Eligibility.

Ms. Riley moved for the inclusion of the “R” page. The motion was seconded by Dr. Melinkovich and approved, 8:0.

#### Board Discussion

There was no board discussion on Document 05.

#### Public Testimony

There was no public testimony on Document 05.

The Board voted for the initial approval of Document 05, 8:0.

### 3) Document 06 MSB 14-10-15-B

Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Family Planning, Section 8.730

Dr. Givens moved for the initial approval of Document 06. The motion was seconded by Ms. Roberts. Valerie Baker-Easley and Melanie Reece, Health Programs Benefits Management Section, and Frank Herbst, Health Programs

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<sup>2</sup> “R” pages are pages of the rule that contain revisions submitted to the Board for approval after the rule has been published or otherwise made available to the public.



Operations Section, presented the proposed rule and explained that it removes abortion services in order to move it to its own section, removes hysterectomy services and moves it to the women's health section, and reformats to the new standard style.

#### Board Discussion

Board discussion and questions included that the changes to this rule are technical in nature and the services essentially remain the same:

#### Public Testimony

There was no public testimony on Document 06.

The Board voted for the initial approval of Document 06, 8:0.

#### 4) Document 07 MSB 14-11-19-D

Revision to the Medical Assistance Health Programs Office Benefits and Operations Division Rule Concerning Women's Health Services, Section 8.731

Ms. Riley moved for the initial approval of Document 07. The motion was seconded by Ms. Hughes. Valerie Baker-Easley and Melanie Reece, Health Programs Benefits Management Section, and Frank Herbst, Health Programs Operations Section, presented the proposed rule and explained that it is a new rule section that defines the amount, scope, and duration of the benefit and is consistent with the new standard rule format. An "R" page<sup>3</sup> was submitted to correct a technical error.

Dr. Melinkovich moved for the inclusion of the "R" page. The motion was seconded by Ms. Roberts and approved, 8:0.

#### Board Discussion

Board discussion and questions included: that women are eligible for many other benefits; that these services were identified in order to improve existing rule language; that there is not a men's routine health care rule; and that Department staff will clarify information about the HPV vaccination at the next meeting.

There was no board discussion on Document 07.

#### Public Testimony

There was no public testimony on Document 07.

The Board voted for the initial approval of Document 07, 8:0.

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<sup>3</sup> "R" pages are pages of the rule that contain revisions submitted to the Board for approval after the rule has been published or otherwise made available to the public.



5) Document 08 MSB 14-09-16-B

Revision to the Medical Assistance Health Programs Benefits and Operations Division Rule Concerning Family Planning Services Section 8.730.4 and 8.770 Abortion Services

Dr. Melinkovich moved for the initial approval of Document 08. The motion was seconded Ms. Riley. Valerie Baker-Easley and Melanie Reece, Health Programs Benefits Management Section, and Frank Herbst, Health Programs Operations Section, presented the proposed rule and explained that it is a new rule section that was created by moving the language from the Family Planning section and that it covers only what is required by federal regulation. This rule is also consistent with the new rule format.

Board Discussion

Board discussion and questions included that non-viability of a fetus is not a covered service.

Public Testimony

There was no public testimony on Document 08.

The Board voted for the initial approval of Document 08, 8:0.

6) Document 09 MSB 15-01-26-A

Revision to the Medical Assistance Home and Community Based Services for Elderly, Blind and Disabled Rule Concerning Respite Care, Section 8.492

Ms. Roberts moved for the initial approval of Document 09. The motion was seconded by Ms. Hughes. Cassandra Keller and Candace Bailey, Long-Term Services and Supports HCBS Benefits Unit, presented the proposed rule and explained that it changes the 30-day restriction on respite care from a calendar year to a certification period, adds a provision for in-home respite care, and adds that the daily institutional rate is the current Nursing Facility rate.

Board Discussion

Ms. Riley stated that she is the director of a county agency that manages the Single Entry Point agency.

There was no board discussion on Document 09.

Public Testimony

There was no public testimony on Document 09.

The Board voted for the initial approval of Document 09, 8:0.



7) Document 10 MSB 15-02-18-B

Revision to the Medical Assistance Health Information Office Rule Concerning Provider Screening Regulations, Section 8.125

Ms. Riley moved for the initial approval of Document 10. The motion was seconded by Dr. Givens. Nathan Culkin, Health Information Provider Payment Division, and Kyle Brown, Governor's Office, presented the proposed rule and explained that it implements the Affordable Care Act (ACA) provider screening requirements.

Board Discussion

Ms. Roberts stated that she is a director of a Hospice.

Board discussion and questions included: that it is expected there will be some type of electronic notification to providers when they have to re-enroll; that the process of revalidating all providers is a very heavy lift for the Department; that it is not the intent of the Department to penalize providers, if there was a capacity issue; that the Department has had ongoing conversations with vendors and partners to ensure this requirement can be met; that family members providing HCBS services are employees of a Financial Management Service and not considered ordering, referring, or prescribing entities, so they are not subject to the validation and screening; that the Department has a robust process in place to ensure it is prepared for the work load; and that, in order to mitigate burdens on providers, the fee waiver is the best option with discussions, with providers, of other possibilities being a follow-up.

Public Testimony

There was no public testimony on Document 10.

The Board voted for the initial approval of Document 10, 8:0.

8) Document 11 MSB 15-02-18-C

Revision to the Medical Assistance Health Information Office Rule Concerning Enrollment Procedures, Section 8.013.1

Ms. Roberts moved for the initial approval of Document 11. The motion was seconded by Ms. Hughes. Nathan Culkin, Health Information Provider Payment Division, and Kyle Brown, Governor's Office, presented the proposed rule and explained that it updates the enrollment requirements for out-of-state providers, to comply with the Affordable Care Act.

Board Discussion

Board discussion and questions included: that, if the out-of-state provider has completed the enrollment process in their state within the past 12



months, they do not have to complete the process in Colorado; and that out-of-state providers must meet all Colorado licensure requirements.

#### Public Testimony

There was no public testimony on Document 11.

The Board voted for the initial approval of Document 11, 8:0.

#### **D. Consent agenda**

Ms. Roberts moved to place Documents 04, 05, 07, 08, 09, and 11 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Riley and approved, 8:0.

#### **E. Closing motion**

Dr. Melinkovich moved to close the rules portion of the agenda. The motion was seconded by Ms. Roberts and approved, 8:0.

### **6. Open Comments**

Julie Ferrar, Colorado Developmental Disability Council

### **7. Department Updates**

- HB 09-1293 Hospital Provider Fee Update – Written
- Legal Immigrant Deeming Update, Eric Stricca, Health Information Eligibility Policy Section
- PEAKHealth Mobil App Update – Antoinette Taranto, Policy, Communications and Administration Office
- Department Updates/Questions – Gretchen Hammer, Deputy Executive Director, Director Health Programs Office

### **8. The meeting was adjourned at 10:50 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, May 8, 2015 in the 7th floor conference room at 303 East 17th Avenue, Denver, CO.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Committee Coordinator at 303-866-4416 or [judith.carey@state.co.us](mailto:judith.carey@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.

